

AO 91 (Rev. 02/09) Criminal Complaint

FILEDUNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

UNITED STATES DISTRICT COURT

for the

District of New Mexico

JUL 19 2021

MITCHELL R. FLIERS
CLERK OF COURT

United States of America)

v.)

Jesus BARRON et al)

Case No. 21-1004MT

Defendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.


On or about the date of 01/23/2021 in the county of Dona Ana in the District of

New Mexico, the defendant violated Title 18 U. S. C. § 371
, an offense described as follows:

18 USC Section 371—Conspiracy to export firearms from the United States into the Republic of Mexico contrary to 18 U.S.C. Section 554. Additional charges are set forth in the affidavit.

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

B. Sterling Nixon, ATF Special Agent

Printed name and title

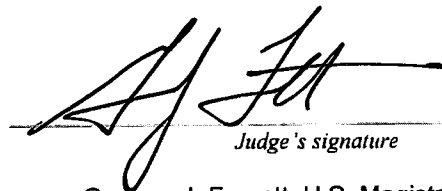
Sworn to before me ^{VIA TELEPHONE} and signed in my presence.

Date:

7/19/21

City and state:

Las Cruces, New Mexico



Judge's signature

Gregory J. Fouratt, U.S. Magistrate Judge

Printed name and title

CRIMINAL COMPLAINT - CONTINUED

UNITED STATES OF AMERICA

V.

Jesus BARRON
Ana BARRON
Mayra MADRID
Victor FIERRO-CARO

AFFIDAVIT

1. Your Affiant, Boyd Sterling Nixon, is a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and has been so employed since May 17, 2015. Prior to May, your Affiant worked for approximately four and a half years as an Agent with the United States Border Patrol. Your Affiant obtained a Bachelor's Degree in English from Brigham Young University. As part of the training to become an ATF Special Agent, your Affiant attended six months of specialized training sponsored by the Federal Law Enforcement Training Center in Glynco, Georgia. As a result of this training, your Affiant has been certified as a federal investigator and has received specific training involving violations of federal laws. Your Affiant has also received ATF specific training in the determination of probable cause and in the use of warrants and complaints to enforce federal firearms laws. Your Affiant is currently assigned to the Las Cruces, New Mexico Field Office.
2. Your Affiant, being duly sworn, states the following to be true and correct to the best of his knowledge and belief based upon his personal observations and from information provided by knowledgeable law enforcement agents and officers who are involved in the investigation of **Jesus BARRON, Ana BARRON, Mayra MADRID, and Victor FIERRO-CARO**. The facts outlined in this narrative are not meant to be a complete narrative of all that has occurred in connection with this investigation, but are only a summary of facts necessary to set forth probable cause in support of the search warrant and does not purport to set forth all of the Affiant's knowledge regarding this investigation.

CRIMINAL COMPLAINT - CONTINUED

RELEVANT STATUTES AND DEFINITIONS

3. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 United States Code § 924 (a)(1)(A), to knowingly make any false statement or representation with respect to the information required by this chapter to be kept in the records of a person licensed under this chapter or in applying for any license or exemption or relief from disability under the provisions of this chapter; Title 18 United States Code § 554, to fraudulently or knowingly export or send from the United States, or attempt to export or send from the United States, any merchandise, article, or object contrary to any law or regulation of the United States, or receives, conceals, buys, sells, or in any manner facilitates the transportation, concealment, or sale of such merchandise, article or object, prior to exportation, knowing the same to be intended for exportation contrary to any law or regulation of the United States; Title 18 United States Code § 922(d)(5) for any person to sell or otherwise dispose of any firearm or ammunition, in or affecting interstate commerce, to any individual deemed to be present in the United States illegally; Title 18 United States Code § 922 (a)(1)(A), it is unlawful for any person except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce; and Title 18 United States Code § 922 (g)(5), for an individual to be in possession of a firearm who is illegally or unlawfully in the United States.
4. A “straw purchase” is the purchase of a firearm by one individual on behalf of a second individual who may not legally purchase or possess a firearm. On the ATF Form 4473, the firearm transaction record, the Federal Firearms Licensee will list the description of the firearm(s) to be purchased to include a manufacturer, model designation, caliber and unique serial number. The Federal Firearms Licensee is also required to provide necessary information to law enforcement authorities so they can conduct a background investigation to determine whether the purchaser is eligible to complete the purchase of the firearm(s). The record requirement creates a “paper trail” allowing law enforcement agents an avenue to initiate an investigation into the movement of a firearm.

CRIMINAL COMPLAINT - CONTINUED

5. Your Affiant knows that pursuant to 18 United States Code § 921(a)(3), that “the term “firearm” means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device.”
6. Your Affiant knows that pursuant to 18 United States Code § 921(a)(21)(A), “The term “engaged in the business” means— A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured.”
7. Your Affiant knows that pursuant to 18 United States Code § 921(a)(22), “The term “with the principal objective of livelihood and profit” means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: *Provided*, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes.”
8. Your Affiant is aware that the transfer of firearms by individuals who do not possess a Federal Firearms License (FFL) and who are transferring a privately owned firearm(s) is not subject to regulation by ATF. For these transfers, there is no requirement for the creation of any record of sale, receipt or transfer. There are, however, constraints under federal firearms laws to “private sales.” An individual who does not possess a FFL may not transfer any firearm to an individual who resides in a different state from the seller as stated in 18 United States Code § 922(a)(5).
9. Your Affiant is aware that is it “unlawful for any person except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce” pursuant to Title 18 United States Code § 922(a)(1)(A).

CRIMINAL COMPLAINT - CONTINUED

OVERVIEW OF THE INVESTIGATION

10. On June 7, 2021, Guarda Nacional (GN) officers operating a checkpoint located at kilometer 18 in Fresnillo, Zacatecas, Mexico, seized seven (7) firearms concealed in a grey 2002 GMC Envoy, Chihuahua license plates EMW6027, VIN 1GKDT13SX22401126 driven by a Mexican national. A canine unit detected the firearms and firearm parts hidden in a compartment located in the trunk of the vehicle. The driver's teenage son was a passenger in the vehicle. According to GN officers, the teenager may be from the Deming, NM area (NFI).
11. GN officers alleged that firearms were destined for Cartel de Jalisco Nueva Generacion (CJNG) members disputing territory in Zacatecas.
12. The following is a list of the firearms Mexican authorities seized:
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14031.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on May 29, 2021. The firearm was recovered in Mexico within 10 days of her purchase.
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14032.
 - i. Firearm trace indicated that **Mayra MADRID** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of her purchase.
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14040.
 - i. Firearm trace indicated that **Victor Alberto FIERRO-CARO** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of his purchase.
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14027.
 - i. Firearm trace indicated that **Victor Alberto FIERRO-CARO** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of his purchase.
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14035.
 - i. Firearm trace indicated that **Mayra MADRID** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of her purchase.

CRIMINAL COMPLAINT - CONTINUED

- SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14022.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on May 29, 2021. The firearm was recovered in Mexico within 10 days of her purchase.
 - Smith and Wesson rifle, Model M&P 15, caliber 5.56, serial number TS87659.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on April 28, 2021.
13. ATF Investigative Analyst (IA) Maria Guerrero, utilizing a law enforcement database, was able to determine that **Ana Isabel BARRON** is likely the wife of **Jesus BARRON**. **Ana Isabel BARRON** and **Jesus BARRON** reside at 1108 N. Platinum Ave., Deming, NM 88030.
14. According to your Affiant's training and experience, the short Time-to-Crime (TTC) of the aforementioned firearms is a strong indication that these firearms were "straw purchased" specifically to be trafficked into Mexico. TTC represents the time between when the firearm is purchased and when it is recovered by law enforcement officers. Your Affiant knows that the aforementioned make and models of firearms purchased and recovered in Mexico are consistent with weaponry that is constantly being demanded by and purchased for Mexican Cartels.
15. On June 29, 2021, ATF SA Jared Kattah and ATF Resident Agent in Charge (RAC) Richard Chmielewski went to MR ARMS in Las Cruces, New Mexico. SA Kattah obtained copies of the ATF Form 4473s executed by **FIERRO-CARO** and **MADRID** on May 22, 2021, for the above-mentioned firearm traces. An ATF Form 4473 is the Firearms Transaction Record filled out by a potential purchaser of a firearm.
- a. On May 22, 2021, **FIERRO-CARO** purchased the following firearms:
 - i. SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14040.
 - ii. SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14027.
 - b. On May 22, 2021, **MADRID** purchased the following firearms:
 - i. SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14032.
 - ii. SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14035.

CRIMINAL COMPLAINT - CONTINUED

16. While at MR ARMS, SA Kattah also obtained copies of the purchase receipts for the above-mentioned firearms.
17. The owner and operator of MR ARMS notified SA Kattah that he recalled that **MADRID** and **FIERRO-CARO** came into the store on the same day. **FIERRO-CARO** had gone into the store in the morning and **MADRID** had gone later that afternoon.
18. On July 1, 2021, ATF SA Sterling Nixon and Homeland Security Investigations (HSI) SA Dominic Magaletti interviewed a Source of Information (SOI) at his home residence. The Agents were in plain clothes and there were no weapons visible. The conversation was audio recorded.
19. SA Nixon knocked on the residence and spoke to the SOI's mother. The mother called the SOI and explained that there were two detectives that wanted to talk to him/her. The SOI later arrived in a vehicle. SA Nixon introduced himself as being a Special Agent with ATF. The SOI stated that he/she was willing to speak to the Agents. SA Nixon advised that the interview was voluntary.
20. The SOI stated that he/she purchased some firearms in Las Cruces, NM from MR ARMS, located at 2001 E. Lohman Ave Suite 116, Las Cruces, NM 88001. The SOI stated that he/she purchased these firearms and that he/she sold the firearms a few days or weeks after. Initially, the SOI stated that he/she sold the firearms two weeks after they were purchased. The SOI stated that he/she does smoke marijuana when he/she is stressed. The SOI stated that he/she started smoking marijuana a couple times per week at the beginning of the year.
21. The SOI stated that a guy from Mexico contacted him through his phone to purchase the firearms. The SOI stated that he/she made \$200 dollars for completing the transaction. The SOI stated that he/she gave the firearms to an individual nicknamed "The Italian" in Columbus, NM. The SOI stated that he/she also has purchased a couple of full-size AK-47s from DK Guns and Pawn, located at 1800 US-180, Silver City, NM 88061, for the same individual. The SOI stated that he/she also made \$200 dollars on the transaction. The SOI stated that he/she

CRIMINAL COMPLAINT - CONTINUED

also purchased another AR variant from Larry's Pawn shop, located 926 E Pine St, Deming, NM 88030.

22. The SOI stated that he/she was willing to travel with the Agents and talk more in-depth at another location. SA Nixon advised the SOI that he/she was a prohibited possessor of firearms. SA Nixon asked for consent to search the SOI's vehicle. The SOI gave written and verbal consent via ATF Form 3220.11 for the Agents to search the vehicle.
23. Agents searched the vehicle and recovered a Glock, Model 48, 9mm, bearing serial number BSBM316. SA Nixon seized the firearm pursuant 18 United States Code § 922(g)(3), and it is currently being held at the ATF Evidence Vault in Las Cruces, NM.
24. The Agents then transported the SOI to the HSI Office in Deming, NM so they could continue their conversation at a more private location. SA Sterling Nixon, SA Jared Kattah, and HSI SA Dominic Magaletti interviewed the SOI at the Homeland Security Office in Deming, NM. The Agents were in plain clothes and there were no weapons visible. The conversation was recorded.
25. SA Jared Kattah advised the SOI that the conversation was voluntary. The SOI stated that he/she did purchase two firearms approximately a month ago. THE SOI stated that he/she purchased the firearms from a gun shop near the Chick-fil-a in Las Cruces, NM (MR ARMS). The SOI initially stated that he/she purchased the firearms with his/her own money. The SOI stated that each of the firearms were around \$680 dollars. The SOI stated that he/she purchased the firearms for a guy in Mexico known as "The Italian." The SOI stated that the phone number was a Mexican number. The SOI stated that at the beginning of 2021, he/she purchased two AK-47s for "The Italian." The SOI stated that he/she purchased the AK-47s from DK Guns and pawn in Silver City, New Mexico. The SOI stated that "The Italian" promised him/her \$100 dollars for every gun he/she got to him.
26. The SOI stated that he/she purchased the firearms when his/her schedule allowed. The SOI stated that "The Italian" looked like a "Paiza," or an individual from Mexico. The SOI stated that he/she met up with "The Italian" in Columbus, NM, where "The Italian" paid him/her for

CRIMINAL COMPLAINT - CONTINUED

the guns and \$200 dollars on top. The SOI stated that he/she thought all the firearms were going to Mexico. The SOI stated that he/she has purchased five firearms in total for "The Italian."

27. The SOI gave written and verbal consent to search his/her phone. The SOI stated that he/she knows a few people from Columbus, Mexico.
28. The SOI stated that he/she met "The Italian" through an individual named "Pepe," later identified as being Jose ORONA—the boyfriend of **Mayra MADRID**. The SOI stated that ORONA lives in Palomas, Mexico. The SOI stated that he/she had met ORONA while working in Van Horn, TX. The SOI stated that he/she met ORONA while in High School. The SOI stated that he/she was two grades above ORONA.
29. SA Kattah showed the SOI a picture of four firearms that had the traits and characteristics of the firearms purchased on May 22, 2021, as found on the SOI's phone. According to the time stamp on the phone, it was taken on May 22, 2021. The SOI indicated that those four firearms were the firearms previously purchased at MR ARMS in Las Cruces, New Mexico and that they were trafficked to Mexico that day. The SOI stated that that same day, he/she traveled in a Ford Mustang into Palomas, Mexico.
30. The SOI stated that he/she had a few beers with ORONA and "The Italian" guy while at a house. The SOI stated that **Jesus BARRON** was his boss in Van Horn, TX. The SOI stated that **Jesus BARRON** gave him a ride to Las Cruces to purchase the firearms from MR ARMS. The SOI stated that it was **Jesus BARRON**, ORONA, and **Mayra MADRID** that traveled to Las Cruces, NM to purchase the firearms.
31. The SOI stated that **Jesus BARRON** gave him/her (The SOI) \$1,400 to go purchase the firearms in MR ARMS. SA Nixon asked if the SOI made \$200 dollars on the transaction, and the SOI answered in the affirmative. The SOI stated that ORONA's girlfriend, **Mayra MADRID**, went in to purchase additional firearms. SA Nixon showed the SOI a picture of **MADRID** and he/she positively identified her as being the other person who purchased firearms from MR ARMS.

CRIMINAL COMPLAINT - CONTINUED

32. The SOI stated that he/she started purchasing firearms for **Jesus BARRON** six months prior. The SOI stated that, as far as he/she knew, **Jesus BARRON's** wife was not involved. The SOI stated that **Jesus BARRON** also drove him/her to purchase firearms at DK Guns and Pawn, located at 1800 US-180, Silver City, NM 88061. The SOI stated that **ORONA** does not purchase the firearms because he is not a United States citizen.
33. The SOI stated that **ORONA** and **Mayra MADRID** live in Palomas, Mexico. The SOI stated that **ORONA** is Hispanic and has tattoos on his legs. The SOI stated that **MADRID** also was paid \$200 dollars for the transaction. The SOI stated that **ORONA** drives a white PT Cruiser.
34. The SOI stated that **Jesus BARRON** would drive them in a white Dodge pickup. The SOI stated that the last time he/she purchased firearms for **BARRON** that he/she (SOI) wanted to be paid more money. The SOI stated that **ORONA** is the one who calls him and requests the purchase of the firearms. The SOI stated that he/she has been to **Jesus BARRON's** house in Deming, NM. The SOI stated that **Jesus BARRON** lives by a gas station known as 5R in Deming, NM. The SOI stated that he/she knew that the firearms ended up in Mexico. The SOI stated that he/she was unsure of who transported them down to Mexico. The SOI stated that it is likely that the firearms were transported into Mexico by **ORONA** in a white PT Cruiser. The SOI stated that he/she knew the firearms were supposed to go "further down" into Mexico.
35. SA Kattah showed the SOI a video of two individuals drinking beers at a residence that was discovered on the SOI's phone. The SOI confirmed that that was **ORONA** and "The Italian". SA Nixon and SA Kattah examined the video and were able to determine with a high degree of certainty that the two individuals in the video were Jose **ORONA** and **Jesus BARRON** (a/k/a "The Italian").
36. SA Kattah also showed the SOI a photograph of four AR variants as found on the SOI's phone. The SOI stated that **MADRID** was the purchaser of the other firearms seen in the photo that were located on the SOI's phone. As SA Kattah examined the photo and video found on the SOI's phone, he/she observed that both were dated/created on May 22, 2021. On or about July 8, 2021, SA Kattah observed a picture found on **Ana BARRON's** Facebook. The wall and

CRIMINAL COMPLAINT - CONTINUED

flooring found in the photograph appeared to be consistent with the wall and flooring of the photograph of the four AR variants found on the SOI's phone.

37. On July 1, 2021, ATF SA's Kattah and Nixon obtained copies of an ATF Form 4473 executed by **Victor FIERRO-CARO** at DK Guns and Pawn (located at 1800 Highway 180 Suite C, Silver City, New Mexico). **FIERRO-CARO** had also purchased the following two firearms on January 23, 2021:

- a. Century Arms, Model VSKA, 7.62X39 rifle bearing serial number SV7047452
- b. Century Arms, Model C39V2, 7.62X39 rifle bearing serial number C39V2A60202

38. On July 2, 2021, ATF SA's Kattah and Nixon obtained copies of ATF Form 4473's executed by **Victor FIERRO-CARO** at Larry's Pawn & Music (926 East Pine Street, Deming, New Mexico). **FIERRO-CARO** had purchased multiple firearms from February 26, 2021 to April 29, 2021.

39. On July 13, 2021, ATF SA Sterling Nixon requested and received copies of the ATF Form 4473 executed by **Ana BARRON** on May 22, 2021, from an employee of Las Cruces Motorsports, located at 2125 S Valley Dr., Las Cruces, NM 88005.

- a. On October 13, 2018, **Ana BARRON** purchased the following firearm:
 - i. Red Army Standard, Model RAS47103522, 7.62x39 caliber rifle, bearing serial number RAS47103522.
- b. On December 6, 2018, **Ana BARRON** purchased the following firearms:
 - i. I.O. Inc, Model IO-15, 5.56/.223 rifle, bearing serial number IO15-02515.
 - ii. Eagle Arms, Model Eagle 15, .223 rifle, bearing serial number M22-37428.
- c. On February 5, 2019, **Ana BARRON** purchased the following firearms:
 - i. Century Arms, Model RAS47, 7.62X39 rifle, bearing serial number RAS47102768.
- d. On July 20, 2019, **Ana BARRON** purchased the following firearms:

CRIMINAL COMPLAINT - CONTINUED

i Century Arms, Model RAS47, 7.62x39 rifle, bearing serial number RAS47104395.

40. Each of the transactions in the aforementioned paragraph were effectuated in cash. According to your Affiant's training and experience, individuals involved in "straw purchases" tend to use cash because it creates less of a "paper trail." Also, individuals purchasing for members of a Mexican Cartel usually use cash since this is a medium of currency that is harder to track.

41. Based on your Affiant's training and experience as an ATF Special Agent, after reviewing the descriptive information of all the aforementioned firearms on July 7, 2021, it is his opinion that the firearms, were not manufactured in the State of New Mexico and were received and/or possessed in the State of New Mexico, having traveled in or affected interstate commerce.

42. On or about June 25, 2021 through on or about July 8, 2021, ATF IA Maria Guerrero queried the work history of multiple individuals. On July 9, 2021, SA Sterling Nixon reviewed and analyzed the aforementioned financial reports and found the following (all amounts are approximate):

a. Ana BARRON

- i. In 2018, Ana BARRON earned a total of 10,968.34 dollars from Mimbres Valley Feed, Inc.
- ii. In 2019, Ana BARRON earned a total of 8,114.06 dollars from Mimbres Valley Feed, Inc.
- iii. In 2020, Ana BARRON earned a total of 10,084.81 from Mimbres Valley Feed Inc, Villegas Brenda, and YOH Services LLC.

b. Jesus BARRON

- i. In 2018, Jesus BARRON earned a total of \$29,109.68 dollars from Keeler Family Farms LLC.
- ii. In 2019, Jesus BARRON earned a collective total of \$34,003.92 dollars from Keeler Family Farms LLC and/or Joel Nanez.

CRIMINAL COMPLAINT - CONTINUED

- iii. In 2020, Jesus BARRON earned a collective total of \$55,508.92 dollars from Keeler Family Farms LLC, Joel Nanez, and/or Mans Construction Company.
- iv. In 2021, Jesus BARRON earned a collective total of \$13,554 dollars from Joel Nanez.

c. Mayra MADRID

- i. In 2018, Mayra MADRID earned a collective total of \$1,440 dollars from Escareno Rito.
- ii. In 2019, Mayra MADRID earned a collective total of \$6,028.42 dollars from Mizkan Americas Inc.

d. Victor FIERRO-CARO

- i. In 2018, Victor CARO earned a collective total of \$5,203.92 dollars from Solitaire.
- ii. In 2019, Victor CARO earned a collective total of \$12,837.08 dollars from Solitaire.
- iii. In 2020, Victor CARO earned a collective total of \$25,848.47 dollars from Solitaire and Joel Nanez.
- iv. In 2021, Victor CARO earned a collective total of \$6,166.09 dollars from Solitaire.

43. It is important to note that **Mayra MADRID** had no reported income in 2020 and 2021. The firearms purchased by **Mayra MADRID** were approximately \$1,400 dollars in cash. The purchases of the firearms by **Ana BARRON** since 2018 represent a significant percentage of her income. The purchase of five firearms purchased by **Victor FIERRO-CARO** in 2021 represents a significant portion of his income. **Victor FIERRO-CARO** and **Jesus BARRON** both worked for Joel Nanez in 2020 at the same time (third and fourth quarter).

44. On July 1, 2021, an HSI Agent provided SA Nixon a Record of Deportable/Inadmissible Alien. The record detailed a previous arrest and deportation of **Jesus BARRON**. On the documentation, **Jesus BARRON**'s address is listed at 1108 N. Platinum Ave., Deming, NM 88030. On July 8, 2021, HSI SA Hector Huerta provided SA Nixon in an email additional information regarding **Jesus BARRON**'s status. According to HSI SA Hector Huerta, Jesus

CRIMINAL COMPLAINT - CONTINUED

BARRON is currently a category C14—survivor who have approved VAWA petitions and has deferred action. This deferred action has expired on 11/30/2020. He applied for an extension and it was rejected on 6/11/2021. This was possibly due to the fact the first one should have never been approved. The I-130 was submitted and approved, but there is no VISA for Mexico. This was submitted by **Ana BARRON** (the wife of **Jesus BARRON**) on 04/24/2017 and approved 3/22/2018. The application is to establish the relationship. His A-file is in Phoenix Field office and his master hearing date not till January 2022. Since **Jesus BARRON**'s deferred action expired and his application for an extension was rejected, **Jesus BARRON** appeared to be prohibited from possessing firearms under 18 United States Code § 922(g)(5).

45. On or about July 6, 2021, ATF SA Sterling Nixon requested and received copies of the ATF Form 4473s executed by **Ana BARRON** on May 22, 2021, from an employee of D.A.M. Ammo, located at 6210 W. Picacho Ave, Las Cruces, NM 88007.

a. On July 26, 2019, **Ana BARRON** purchased the following firearms:

- i. CAI, Model WASR-10, 7.62x39 Rifle, bearing serial number UF-2606-19R0.
- ii. Taurus, Model G2C, 7.62x36 Rifle, bearing serial number TLT-80148.

b. On November 16, 2021, **Ana BARRON** purchased the following firearms:

- i. CAI, Model VSKA, 7.62x39 rifle, bearing serial number SV7014575.
- ii. CAI, Model VSKA, 7.62x39 rifle, bearing serial number SV7014494.

46. On July 7, 2021, SA Nixon reviewed all of the ATF Forms 4473s associated with purchases of **Ana BARRON**. SA Nixon found that on every purchase, **Ana BARRON** listed her address as being 1108 N. Platinum Ave., Deming, NM, 88030.

47. On July 7, 2021, ATF IA Maria Guerrero, utilizing a law enforcement database, queried the address for **Ana BARRON** and **Jesus BARRON**. IA Guerrero discovered their address is still currently listed as 1108 N. Platinum Ave., Deming, NM 88030.

CRIMINAL COMPLAINT - CONTINUED

48. On July 7, 2021, Intelligence Research Specialist (IRS) David Frankel queried, using a law enforcement database, the international crossings of a white PT Cruiser associated with Jose ORONA—the boyfriend of **Mayra MADRID**. On May 22, 2021, the PT Cruiser entered the United States at approximately 8:04 AM and returned to Mexico via the Columbus, NM Port-of-Entry (POE) on May 22, 2021 at 7:41 PM.

49. On July 8, 2021, SA Kattah and SA Nixon conducted surveillance of 1108 N. Platinum Ave., Deming NM, 88030 and observed the following (all times are approximate):

- c. At 6:00 AM, SA Kattah and SA Nixon began observing the property at 1108 N. Platinum Ave., Deming, NM.
- d. At 6:33 AM, SA Kattah and SA Nixon observed Jesus **BARRON** leave the property in a black, 2003 Ford, bearing license plate 9939FR.

50. On July 8, 2021, IRS David Frankel, utilizing a law enforcement database, queried the NM license plate 9939FR.

- e. The License plate returned to:

- i. **BARRON Barrios, Jesus Alberto**

- 1. DOB: 12/18/1987
 - 2. Address: 1108 N. Platinum Ave., Deming, NM 88030

51. Your Affiant knows from personal experience as a law enforcement officer and an ATF Agent, and in particular, from participation in the execution of search warrants authorizing the seizure of firearms, that those who traffic in firearms generally keep a firearm for protection on their persons, in their residence and/or motor vehicles, or in places where they store their personal property.

52. Your Affiant also knows through personal experience and training that most individuals who purchase or traffic in firearms retain certain documents relating to those purchases, such as sales receipts, factory warranties, manuals, instructions on use, and canceled checks, and other miscellaneous documents among their personal property. Your Affiant also knows through

CRIMINAL COMPLAINT - CONTINUED

experience and training that almost without exception individuals who possess firearms also possess related items such as gun cases, ammunition, gun cleaning supplies, and equipment related to the care and maintenance of the firearms.

STATEMENT OF PROBABLE CAUSE

53. As a result of my training and experience as an ATF Special Agent, I am familiar with federal criminal laws and know that it is a violation of Title 18 U.S.C. § 371 for any person to knowingly, unlawfully, and willfully conspire, confederate, agree, and act interdependently with other persons to commit any offense against the United States.

54. In the paragraphs that follow, I have outlined the information I believe establishes probable cause to charge **Jesus BARRON, Ana Isabel BARRON, Victor FIERRO-CARO, and Mayra MADRID** with violating 18 U.S.C. § 371. The facts and circumstances detailed below are based on the summary of the investigation set forth in the preceding paragraphs of this Affidavit.

Count 1: 18 U.S.C. § 371—Conspiracy to export firearms from the United States into the Republic of Mexico contrary to 18 U.S.C. § 554

55. Based on my investigation, I believe that beginning on or about January 23, 2021, and continuing to at least on or about June 7, 2021, in the District of New Mexico and elsewhere, the Defendants, **Jesus BARRON, Ana Isabel BARRON, Victor FIERRO-CARO, and Mayra MADRID** knowingly, unlawfully, and willfully combined, conspired, confederated, agreed, and acted interdependently with one another to export firearms from the United States to the Republic of Mexico contrary to 18 U.S.C. § 554.

Overt Acts

56. In furtherance of the conspiracy, and to accomplish the objective of the conspiracy, **Jesus BARRON, Ana Isabel BARRON, Victor FIERRO-CARO, and Mayra MADRID**, and others known and unknown to the Government, committed various acts, on or about the

CRIMINAL COMPLAINT - CONTINUED

following dates and times, in the District of New Mexico, and elsewhere. I am aware of the following overt acts:

57. Based upon the above information, your Affiant believes that on or about on January 23, 2021, **Victor FIERRO-CARO** entered into a conspiracy with **Jesus BARRON** to traffic firearms from the United States and into the Republic of Mexico, in violation of 18 U.S.C. § 554. On the aforementioned date, **Jesus BARRON** drove **Victor FIERRO-CARO** to DK Guns and Pawn, located at 1800 US-180, Silver City, NM 88061. **Victor FIERRO-CARO** filled out ATF Form 4473 and purchased a Century Arms, Model VSKA, 7.62X39 AK-47 variant rifle bearing serial number SV7047452 and Century Arms, Model C39V2, 7.62X39 AK-47 variant rifle, bearing serial number C39V2A60202. **Jesus BARRON** paid **Victor FIERRO-CARO** \$200 dollars for the firearms, which were later trafficked into Mexico.
58. On or about April 19, 2021, **Victor FIERRO-CARO** went to Larry's Pawn & Music, located 926 E Pine St, Deming, NM 88030, where **Victor FIERRO-CARO** purchased a Springfield, Model Saint, 5.56/.223 caliber rifle bearing serial number ST396285, which was later trafficked into Mexico. **Jesus BARRON** paid **Victor FIERRO-CARO** \$100 dollars for purchasing the firearm.
59. On or about May 8, 2021, **Ana BARRON**, the wife of **Jesus BARRON**, completed the purchase of a Smith and Wesson rifle, Model M&P 15, caliber 5.56, serial number TS87659, which was later trafficked and recovered in Mexico on June 7, 2021. The firearm was purchased from MR ARMS, located at 2001 E. Lohman Ave, Suite 116, Las Cruces, NM 88001.
60. On or about May 22, 2021, **Jesus BARRON** drove **Victor FIERRO-CARO**, **Mayra MADRID**, and **Mayra MADRID's** boyfriend to MR ARMS. In the morning, **Victor FIERRO-CARO** went inside and purchased a SOTA ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14040 and a SOTA ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14027, which were later both trafficked into and recovered from Mexico. **Jesus BARRON** paid **Victor FIERRO-CARO** \$200 dollars for purchasing the firearms. That afternoon, **Mayra MADRID** went into MR ARMS and purchased a SOTA

CRIMINAL COMPLAINT - CONTINUED

ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14032 and a SOTA ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14035, which were both trafficked into and recovered in Mexico on June 7, 2021. **Jesus BARRON** paid **Mayra MADRID** \$200 dollars for purchasing the two firearms.

61. On May 29, 2021, **Ana BARRON** completed the purchase for a SOTA ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14031 and SOTA ARMS, Model PA15, caliber MULTI cal, bearing serial number PA14022, which were later trafficked into and recovered in Mexico on June 7, 2021.
62. On June 4, 2021, the daughter of the Mexican national driving the vehicle on June 7, 2021 is recorded driving a 2002 GMC Envoy, Chihuahua license plates EMW6027, VIN 1GKDT13SX22401126 into the United States through the Columbus Port of Entry. Later that same day, the vehicle is record driving southbound through the Port of Entry in Columbus, NM into Mexico.
63. On June 7, 2021, Guarda Nacional (GN) officers operating a checkpoint located at kilometer 18 in Fresnillo, Zacatecas, Mexico, seized seven (7) firearms concealed in a grey 2002 GMC Envoy, Chihuahua license plates EMW6027, VIN 1GKDT13SX22401126 driven by a Mexican national. A canine unit detected the firearms and firearm parts hidden in a compartment located in the trunk of the vehicle. The driver's teenage son was a passenger in the vehicle. According to GN officers, the teenager may be from the Deming, NM area (NFI).
64. GN officers alleged that firearms were destined for Cartel de Jalisco Nueva Generacion (CJNG) members disputing territory in Zacatecas.
65. The following is a list of the firearms Mexican authorities seized:
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14031.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on May 29, 2021. The firearm was recovered in Mexico within 10 days of her purchase.
 - SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14032.

CRIMINAL COMPLAINT - CONTINUED

- i. Firearm trace indicated that **Mayra MADRID** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of her purchase.
- SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14040.
 - i. Firearm trace indicated that **Victor Alberto FIERRO-CARO** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of his purchase.
- SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14027.
 - i. Firearm trace indicated that **Victor Alberto FIERRO-CARO** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of his purchase.
- SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14035.
 - i. Firearm trace indicated that **Mayra MADRID** purchased this firearm on May 22, 2021. The firearm was recovered in Mexico within 17 days of her purchase.
- SOTA ARMS, Model PA15, caliber MULTI cal, serial number PA14022.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on May 29, 2021. The firearm was recovered in Mexico within 10 days of her purchase.
- Smith and Wesson rifle, Model M&P 15, caliber 5.56, serial number TS87659.
 - i. Firearm trace indicated that **Ana Isabel BARRON** purchased this firearm on April 28, 2021.

Counts 2-4: 18 U.S.C. § 924(a)(1)(A)—False statements in the acquisition of firearms

66. Based upon the above information, your Affiant believes that on or about on January 23, 2021, April 19, 2021, and May 22, 2021, **Victor FIERRO-CARO** knowingly made a false statement or representation with respect to the information required to be kept in the records of a person licensed (FFL), in violation of 18 United States Code § 924(a)(1)(A).

Counts 5-7: 18 U.S.C. § 922(a)(1)(A)—Unlawful dealing in firearms

67. Based upon the above information, your Affiant believes that or about January 23, 2021, April 19, 2021, and May 22, 2021, **Victor FIERRO-CARO** unlawfully engaged in the business of

CRIMINAL COMPLAINT - CONTINUED

dealing in firearms without being a licensed dealer, in violation of 18 United States Code § 922(a)(1)(A).

Counts 8-9: 18 U.S.C. § 922(g)(3)—Possession of firearms by a prohibited person

68. Based upon the above information, your Affiant believes that on or about May 22, 2021 and July 1, 2021, **Victor FIERRO-CARO** possessed a firearm and was an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), in violation of 18 United States Code § 922(g)(3).

Counts 10-11: 18 U.S.C. § 924(a)(1)(A)—False statements in the acquisition of firearms

69. Based upon the above information, your Affiant believes that on or about May 8, 2021 and May 29, 2021, **Ana Isabel BARRON** knowingly made a false statement or representation with respect to the information required to be kept in the records of a person licensed (FFL), in violation of 18 United States Code 924 § (a)(1)(A).

Counts 12-13: 18 U.S.C. § 922(d)(5)—Unlawful disposal of firearms to a prohibited person

70. Based upon the above information, your Affiant believes that on or about May 8, 2021 and May 29, 2021, **Ana Isabel BARRON** sold or otherwise disposed of a firearm(s), in or affecting interstate commerce, to an individual deemed to be present in the United States illegally, in violation of Title 18 United States Code § 922(d)(5).

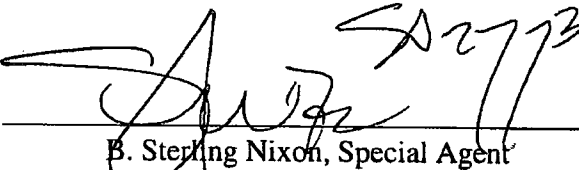
Count 14: 18 U.S.C. § 924(a)(1)(A) —False statements in the acquisition of firearms

71. Based upon the above information, your Affiant believes that on or about May 22, 2021, **Mayra MADRID** knowingly made a false statement or representation with respect to the information required to be kept in the records of a person licensed (FFL), in violation of 18 United States Code 924 § (a)(1)(A).

CRIMINAL COMPLAINT - CONTINUED

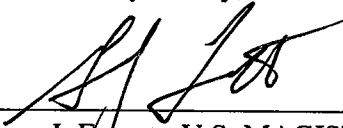
Counts 15-16: 18 U.S.C. § 922(g)(5) —Possession of firearms by a prohibited person

72. Based upon the above information, your Affiant believes that on or about January 23, 2021 and May 22, 2021, **Jesus BARRON** possessed a firearm as being an alien who is illegally or unlawfully in the United States, in violation of 18 United States Code § 922(g)(5).
73. These violations occurred in the cities of Deming, Silver City, Las Cruces, and Columbus, New Mexico, respectively, which are in the Counties of Luna, Grant, and Dona Ana. All locations are within the District of New Mexico.
74. This criminal complaint was reviewed and approved by Assistant United States Attorneys Maria Armijo and Ry Ellison.


B. Sterling Nixon, Special Agent
Bureau of Alcohol, Tobacco, Firearms and Explosives

Subscribed and sworn to before

me this 19th day of July, 2021


Gregory J. Fouratt, U.S. MAGISTRATE JUDGE